



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

2006 MAY 10 PM 3:43

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: FIFRA-08-2006-0005

IN THE MATTER OF:)

CHRISTIANSO VINEYARDS, LLC.)

3907 North River Road)
Palisade, Colorado 81526)

RESPONDENT)

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

May 10, 2006
DATE

Carol A. LeBoo
Carol A. LeBoo
Acting Regional Judicial Officer

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Docket No. **FIFRA-08-2006-0005**

EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:

Christianson Vineyards, LLC.
3907 North River Road
Palisade, CO 81526,

Respondent

**COMPLAINT AND EXPEDITED
SETTLEMENT AGREEMENT
(CESA)**

A. JURISDICTION

1. This Complaint and Expedited Settlement Agreement ("CESA") is issued to Christianson Vineyards, LLC ("Respondent") for an alleged violation of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") § 12(a)(2)(G), 7 U.S.C. section 136j(a)(2)(G).
2. The undersigned Environmental Protection Agency ("EPA"), Region 8 officials issue this CESA under the authority vested in the Administrator of EPA by section 14(a)(2) of FIFRA, 7 U.S.C. § 136l(a)(2), to bring an action for civil administrative penalties against Respondent for violating a requirement or prohibition of FIFRA.

B. ALLEGED VIOLATION

1. Respondent is a "person" within the meaning of section 2(s) of FIFRA, 7 U.S.C. § 136(s), and is therefore subject to regulation.
2. Respondent is an "agricultural employer" within the meaning of 40 C.F.R. § 170.3.
3. Respondent is a "private applicator" within the meaning of section 14(a)(2) of FIFRA, 7 U.S.C. § 136l(a)(2).
4. On August 9, 2005, Respondent applied a pesticide subject to the Worker Protection Standard ("WPS"), 40 C.F.R. Part 170. As a result of an inspection, EPA found that Respondent failed to train one of its workers and failed to display specific pesticide information as required by the WPS. Each failure to comply with the WPS is a violation of FIFRA section 12(a)(2)(G).
6. Upon consideration of the nature, circumstances, extent and gravity of the violation and Respondent's ability to continue in business, the size of Respondent's business, prior history of compliance, degree of culpability, lack of economic benefit resulting from the violations, its good faith and immediate effort to comply once informed of the violations, other matters as justice may require,

and upon consideration of the entire record herein, EPA agrees to this CESA in order to settle the violation, based upon the findings noted above, for the total civil penalty amount of **eight hundred forty-four dollars (\$844)**.

C. CIVIL PENALTY

1. Respondent admits that EPA has jurisdiction over the subject matter alleged in the CESA, neither admits nor denies the specific factual allegations contained in the CESA, and consents to the assessment of the penalty stated above.
2. Within 30 days of receiving a Final Order in this matter, Respondent agrees and consents to pay the civil penalty by sending a certified or cashiers check, payable to "Treasurer, United States of America" to the following address:

Mellon Bank
EPA Region 8
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA 15251

- a. The check shall reference the name and address of Respondent's facility and the EPA docket number of this action.

- b. A copy of the cashiers or certified check shall be sent simultaneously to:

Tina Artemis
Regional Hearing Clerk
U.S. EPA, Region 8 (8RC)
999 18th Street, Suite 300
Denver, CO 80202-2466

3. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. **Interest will therefore begin to accrue if the penalty is not paid when due.** Interest will be assessed at the United States Treasury tax and loan rate in accordance with 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. Any such penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid.

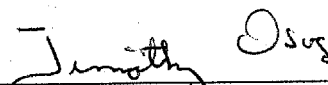
D. TERMS AND CONDITIONS

1. Nothing in this CESA shall be construed as a waiver by EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this CESA.


2. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this CESA and to bind the party he/she represents to the terms and conditions of this CESA.
3. Each party shall bear its own costs and attorneys fees in connection with this matter.
4. Respondent has the right to request a hearing on any material fact or on the appropriateness of the penalty contained in this CESA pursuant to 40 C.F.R. § 22.15. Upon signing and returning of this CESA to EPA, the Respondent waives the opportunity for a hearing pursuant to the Administrative Procedure Act, 5 U.S.C. §554.
5. This CESA, upon incorporation into a Final Order, applies to and is binding upon EPA and upon Respondent and Respondent's parent, affiliates, heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this CESA. This CESA, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violation alleged in the CESA.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8, Office of Enforcement, Compliance
and Environmental Justice, Complainant.**


Date: 5/5/06

By: 
Elisabeth Evans, Director
Technical Enforcement Program

Date: 5/4/06

By: 
Michael T. Risner, Director
David Janik, Supervisor
Legal Enforcement Program

Date: 5/3/2006

By: 
Eduardo Quintana, Attorney
Legal Enforcement Program

May. 3. 2006 1:38PM Musgrave & Theis LLP

No. 6695 P. 7

05/03/2006 10:08 FAX 9032126953

EPA LEGAL

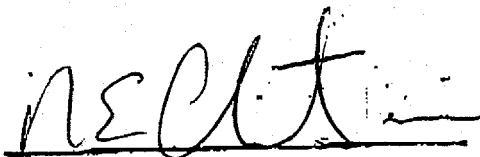
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In the Matter of: Christianson Vineyards, LLC
Docket No:
(Continued)

**Christianson Vineyards LLC,
Respondent.**

Date: May 3, 2006

Signature:



Name, Title:

Managing Member
Norman E Christianson

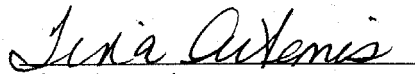
CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMPLAINT/EXPEDITED CONSENT AGREEMENT** in the matter **CHRISTIANSON VINEYARDS, LLC., DOCKET NO.: FIFRA-08-2006-0005** was filed with the Regional Hearing Clerk on May 8, 2006. The **FINAL ORDER** was filed May 10, 2006.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Eduardo Quintana, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on May 10, 2006, to:

Norman E. Christianson
Managing Member
Christianson Vineyards, LLC.
3907 North River Road
Palisade, CO 81526

May 10, 2006


Tina Artemis
Regional Hearing Clerk



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